IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 1521 of 2007(F)

PETITIONER:

JACOB THOMAS, S/O. THOMAS,
CHUNGAKAROTTU, PERUMBAIKADU P.O.,
PARAMPUZHA, KOTTAYAM.

BY ADV. SRI.K.GOPALAKRISHNA KURUP

RESPONDENTS:
---

1. THE DISTRICT COLLECTOR, KOTTAYAM,
COLLECTORATE, KOTTAYAM.

2. THE TAHSILDAR,
TALUK OFFICE, KOTTAYAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.1521 OF 2007

Dated this the 13th day of March, 2007

JUDGMENT

Following the earlier interim order, the Tahsildar has placed a report, among other things, to the following effect:

> "In accordance with this direction, I physically verified the place and found that the controversial land is situated in Sy.No.302/8, 9, 10, 11 in Block No.25 of Perumbaicadu village. The petitioner has built a house at there and the remaining land is now used for cultivation. Beneath 4 feet from the land surface, there is a deposit of sand and due to the presence of this sane, continuous irrigation facility is needed to make this land suitable for cultivation. If this sand was removed and filled with soil, this land can be used for permanent cultivation. If mining is permitted 25 meters away from the neighbouring properties and Panchayat road and from the southern side pathway, no harm will be affected to the neighbours."

In the aforesaid circumstance, there will be a direction without prejudice to contentions of the statutory respondents that the possession certificate and site plan will be duly issued

within a period of two weeks from the date of receipt of a copy of this judgment. It is clarified that this judgment will not stand in the way of the competent authority considering all relevant aspects before issuing any permit.

The writ petition is disposed of with the above direction.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.